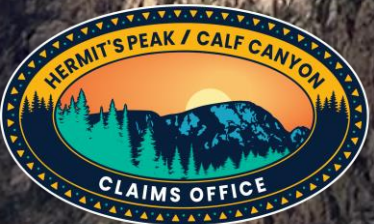


# Hermit's Peak/Calf Canyon Claims Office

Attorney Update Meeting  
March 28, 2024

**EXHIBIT C**



**FEMA**



## Public Assistance Requirements for Eligible Entities

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- Entities eligible for FEMA Public Assistance (PA) under DR-4652, must first apply for PA funding before filing a claim with the Claims Office.
- Legislative Requirement - Section 104(d)(1)(C) (prohibiting duplication of benefits)
- Regulations – 44 C.F.R. 296.21(f)(2)
  - ***Coordination with FEMA's Public Assistance Program.*** Injured Persons eligible for disaster assistance under FEMA's Public Assistance Program are expected to apply for all available assistance. Pursuant to the Act, the Federal share of the costs for Public Assistance projects is 100 percent. Compensation will not be awarded under the Act for injuries or costs that are eligible under the Public Assistance Program.

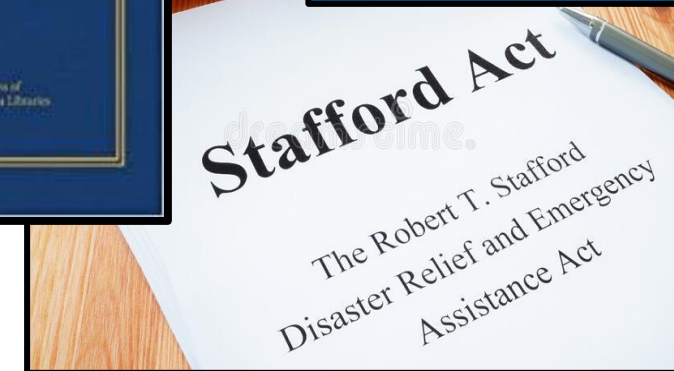
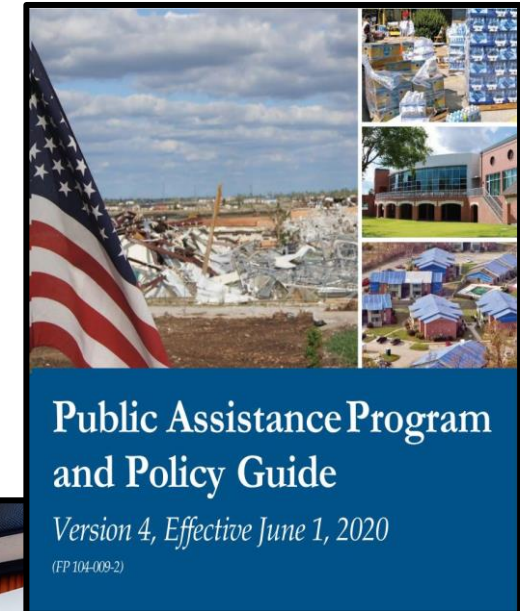
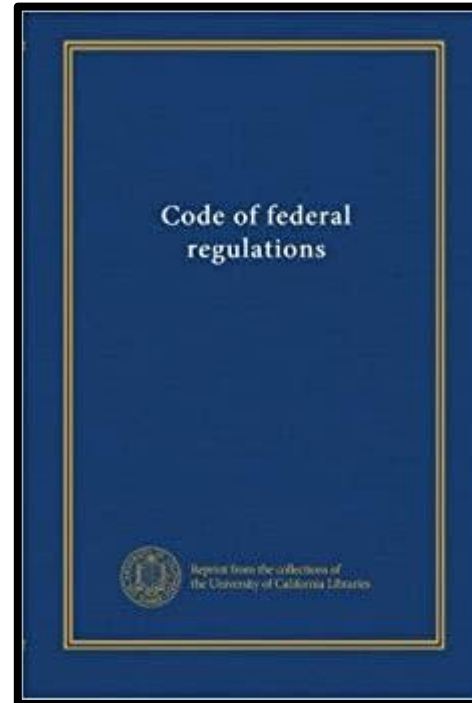


FEMA

# PA 101

## *What is FEMA PA and why must PA do what PA does?*

- PA is a **reimbursement program** that provides federal funding to help communities respond to and recover from disasters
- **Authorities**
  - Statutes and Laws
  - Regulations
  - Policies
  - Executive Orders
  - OMB Circulars
- **Stafford Act**
- **Codes of Federal Regulations (CFR)**
  - Title 44 CFR Part 206
  - Title 2 CFR Part 200
- **FEMA Policies**
  - PAPPG v4



**FEMA**

# PA 101

## *Who are the key participants?*

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### NON-FEMA

- ✓ Recipient \*
- ✓ **Applicant** \*\*
- ✓ Sub-Recipient \*\*\*

\* State, Local, Tribal and Territorial

\*\* Local municipalities, schools, hospitals, etc.

\*\*\* When funds are obligated Applicants become Sub-Recipients

### FEMA Field Staff

- ✓ Infrastructure Branch Director (IBD)
- ✓ PA Group Supervisor (PAGS)
- ✓ Program Delivery Task Force Lead (PDTFL)
- ✓ Program Delivery Manager (**PDMG**)
- ✓ Site Inspector Task Force Lead (SITFL)
- ✓ Site Inspector (SI)
- ✓ Consolidated Resources Center (CRC)
- ✓ Environmental & Historic Preservation (EHP)
- ✓ Hazard Mitigation (406 MIT)

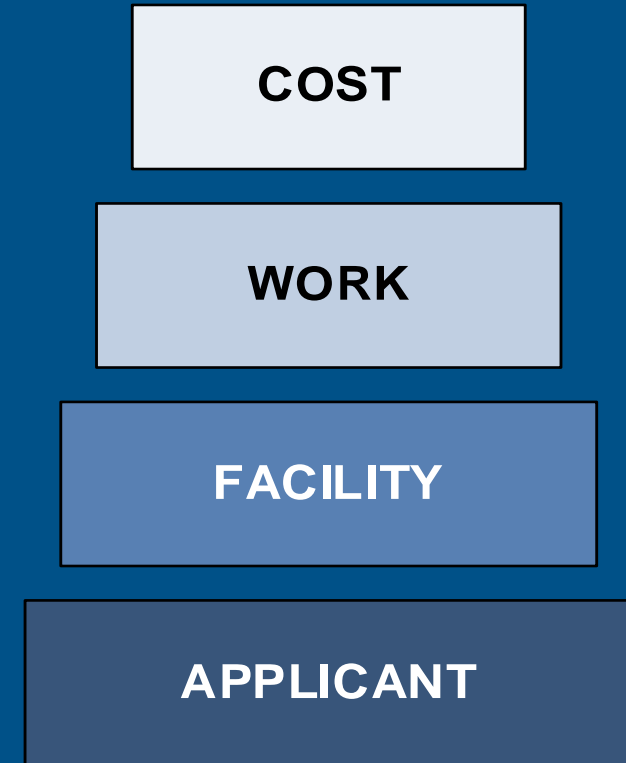


**FEMA**

# PA 101

## *How does PA operate?*

- Eligibility Pyramid
  - FEMA must determine whether the Applicant is eligible before evaluating claims through **4** basic components
    - ✓ *Applicant -SLTT, PNP*
    - ✓ *Facility -Public facilities that applicants are legally responsible*
    - ✓ *Work -Categories of work, Direct result of disaster and in designated area*
    - ✓ *Cost-directly tied to performance of eligible work*



**FEMA**

# PA 101

## *How do we divide it up?*

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- **Public Assistance Categories of Work**

- ✓ A – Debris Removal \*\*
- ✓ B – Emergency Protective Measures \*\*
- ✓ C – Roads and bridges
- ✓ D – Water control facilities
- ✓ E – Buildings and equipment
- ✓ F – Utilities
- ✓ G – Parks, recreational, and other
- ✓ Z – Project Management Costs

\*\* Emergency Work Only



**FEMA**

# PA 101

## Management Costs

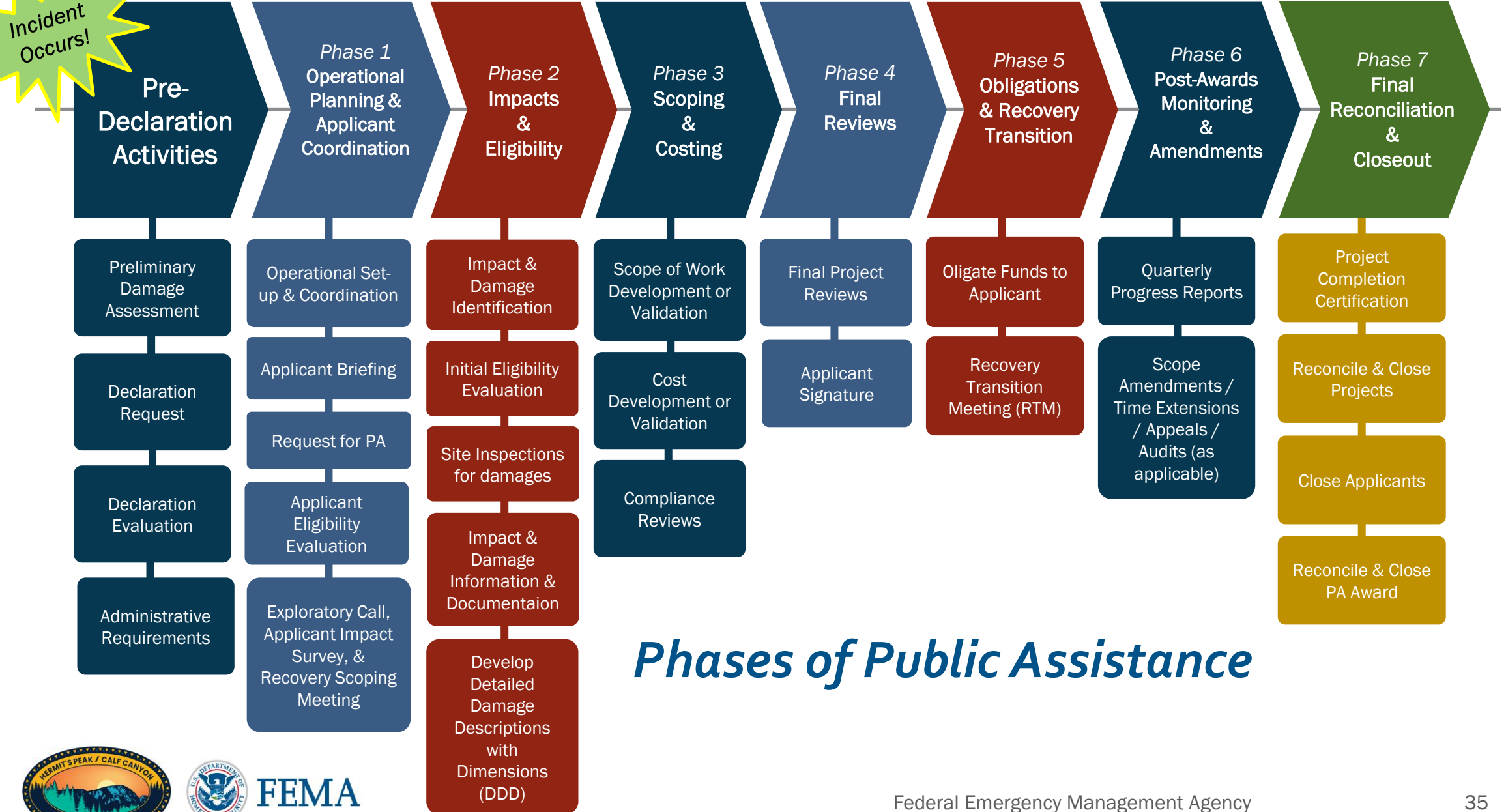
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- Z – Project Management Costs
  - The Disaster Recovery Reform Act (DRRA) (PL 105-254), signed on October 5, 2018, amended Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide management cost funding to Recipients and Subrecipients up to specified percentages.
  - Subrecipients-5% cap calculated based on final actual eligible project cost, including Federal and non-Federal cost shares, **after insurance and any other reductions**.
  - Reimbursement for **actual reasonable costs** not-to-exceed (NTE) the 5% calculation. **Cannot retain excess funds**.
  - Management costs are funded at 100 percent Federal cost share.
  - Includes both direct and indirect costs.
    - Direct-Managing and administering the federal award. (Development, review and processing of projects)
    - Indirect-Cost incurred for joint purpose benefiting more than one objective. (Recovery Scoping Meeting, Recovery Transition Meeting)



FEMA







# PA 101

## Procurement

Procurement is the process of finding and agreeing to terms to acquire goods, services, or works from an external source.

- Title 2 Code of Federal Regulations(CFR) Part 200 provides “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”
- Sections 317 through 327 provide specific guidance for procurement compliance.

317	• Procurements by States
318	• General Procurement Standards
319	• Competition
320	• Procurement Methods
321	• Socioeconomic Contracting
322	• Domestic Preferences
323	• Recovered Materials
324	• Cost and Price
325	• Awarding Agency of Pass-through Review
326	• Bonding Requirements
327	• Contract Provisions



**FEMA**

# State Entities vs. Non-State Entities

- Different rules apply for State Entities and Non-State Entities.

## State Entities are:

- Any State of the United States
- District of Columbia
- US Territories (US Virgin Islands, Puerto Rico, Guam)
- State Agencies

## Must Follow:

- State Procurement Policies



317

• Procurements by States

322

• Recovered Materials

326

• Contract Provisions

## Non-State Entities are:

- Local and Tribal Governments
- Institutions of Higher Education
- Hospitals
- Houses of Worship
- Other Non-Profit Organizations

## Must Follow:

- Their own Procurement Policies
- State or Tribal Laws



318

• General Procurement Standards

319

• Competition

320

• Procurement Methods

321

• Socioeconomic Contracting

322

• Recovered Materials

323

• Contract Cost or Price

324

• Review of Procurements

325

• Bonding Requirements

326

• Contract Provisions



FEMA

## PA 101

### New Mexico *Senate Bill 6*

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- Senate Bill 6 is a State program of \$100 million that provides no-interest loans to counties, cities and municipalities to pay for infrastructure damages incurred during the Hermits Peak/Calf Canyon Fire.
- Loan requests to the State must have prior FEMA Public Assistance approval. The money will be reimbursed to the state after FEMA reimburses for the completed projects.
- Any questions should be directed to the State.



**FEMA**



# PA 101

## Late Damage Inventory

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- Late Damages are requested by the Applicant to the Recipient. The Recipient will request to FEMA the Late Damage for approval and eligibility review. If the damage is not eligible for PA, a process is in place to streamline the damage to Hermit's Peak/Calf Canyon Claims Office.
- Hermit's Peak/Calf Canyon Fire Assistance Act- Parties who are eligible applicants for FEMA Public Assistance (PA) are required to first apply for FEMA PA before submitting claims to the Claims Office. Compensation will not be awarded by the Claims Office for losses or costs that are eligible under FEMA PA



**FEMA**